IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 12582 of 2007(W)

PETITIONER:

THE NEDUMUDY SERVICE CO-OPERATIVE BANK LTD.NO.A.87, NEDUMUDY P.O., ALLEPPEY, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ALLEPPEY.

2. T.K.RAMAN PILLAI, THATHERIL VEEDU, THATTUVATHALA, NEDUMUDI P.O., ALLEPPEY.

R1 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

BY ADV. SRI. AZAD BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.12582 OF 2007 W

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ENQUIRY REPORT DATED 10.1.1989.

EXT.P2 COPY OF OBJECTION FILED BY THE BANK DATED 24.9.1990.

EXT.P3 COPY OF ORDER IN S.A. NO.13 OF 1989 DATED 25.1.1997.

EXT.P4 TRUE COPY OF THE JUDGMENT IN OP NO.3725 OF 1997 DATED 5.12.2003.

EXT.P5 TRUE COPY OF THE PETITION FILED BY THE SECOND RESPONDENT DATED 29.3.2004.

EXT.P6 TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BANK DATED DECEMBER, 2004.

EXT.P7 TRUE COPY OF THE ORDER NO.CRP.(2) 1399/04/K. DIS. DATED 5.1.2007.

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 12582 OF 2007 W

Dated this the 26th September, 2007

JUDGMENT

Petitioner Bank challenges Ext.P7. It is an order passed under Rule 176 of the Kerala Co-operative Societies Act, at the instance of the second respondent, former employee. There is no dispute that the Joint Registrar does not have jurisdiction to pass Ext.P7 in the light of the amendment to Section 69 of the Act. Accordingly, Ext.P7 is quashed. However, I make it clear that it is open to the second respondent to approach the Authority under Section 69 of the Act. If the second respondent institutes proceedings under Section 69 of the Act, a decision will be taken thereon with full opportunity of hearing to the parties, in the circumstances of the case, within four months from the date of institution of the proceedings.

K. M. JOSEPH, JUDGE

kbk.